

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4648 of 1991

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

BAGADIA UDABHAI JIVABHAI

Versus

STATE OF GUJARAT

Appearance:

MR ARVIND YAGNIK FOR MR GIRISH PATEL for Petitioners
MS MANISHA LAVKUMAR AGP FOR STATE

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 15/09/2000

ORAL JUDGEMENT

1. Learned counsel appearing for the petitioner and the respondent State do not dispute the legal position that on the basis of the Resolution of the Government of Gujarat dated 6-10-1992, the possession of the tribals in the forest land if found true on enquiry and evidence, to

be prior to 25-10-1980, has to be regularised in accordance with the procedure laid down. A copy of said Resolution dated 6-10-1982 is placed on record.

2. It is also pointed out that relying on the aforesaid Resolution of the Government dated 6-10-1992, many Special Civil Applications such as Special Civil Applications Nos. 6884/93, 7373/96 and 7375/96 have been disposed of.

3. In the aforesaid circumstances, the present petition is also allowed with directions to the State Government that in case the petitioners make a suitable application within three months from the date of this order, the State Government shall consider their claims for regularisation of their possession of forest land in accordance with the Resolution of the Government dated 6-10-1992. The order passed by this court shall enure for three months for making application or until final conclusion of the proceedings before the authorities whichever is earlier. Rule is made absolute.

However, in the facts and circumstances of the case, there shall be no order as to costs.

(D.M. DHARMADHIKARI, C.J.)

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